

PATENT  
 Attorney Docket No. 101.0059-02000  
 Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: ) Confirmation No.: 4939  
 Gary K. Michelson )  
 Serial No.: 10/674,971 )  
 Filed: September 30, 2003 )  
 For: METHOD FOR INSERTING AN )  
 INTERBODY SPINAL FUSION )  
 IMPLANT HAVING AN )  
 ANATOMICALLY CONFORMED )  
 TRAILING END )

MAIL STOP AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

Copies of the listed non-U.S. patent documents were previously submitted or cited in prior application Serial No. 09/792,679, filed September 22, 2001; upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art

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against any claims in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: December 7, 2006

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OMB 0651-0031

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	2 761 879	10/98	France			N/A
	WO 96/39988	12/96	WIPO			N/A

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

OTHER DOCUMENTS (MAX 5)	

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.